

Policies

The following are the Policies for Employment at Duchesne County.

□ Drug and Alcohol Use Policy

1. Policy Statement

- a. The Duchesne County Commission finds that there must exist a healthy and productive workforce within the County, safe working conditions free from the effects of drugs, and high quality services rendered to the public. These circumstances are vital to the functioning of Duchesne County, the safety of its government employees, and the well-being of the general public.
- b. The Duchesne County Commission finds that the abuse of drugs creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased financial burdens on health and benefit programs, decreased employee morale, and a decline in the quality of services rendered to the public.
- c. In balancing the interests of the County and its employees and volunteers with the interest and welfare of the general public, the Duchesne County Commission finds that implementation of drug free workplace policy, in accordance with a state statute, is in the best interest of all parties.
- d. In adopting this policy, it is the intent and object of the Duchesne County Commission to be as comprehensive as possible in addressing the issues of safety, confidentiality, privacy, drug use education and the appropriate use of drug testing as described in this policy.

2. Definitions.

a. "Accident" means an occurrence involving:

i. A County vehicle or any vehicle used in the performance of County business operation which results in:

1. a fatality;
2. bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
3. one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle (any vehicle involved) to be transported away from the scene of the accident.

ii. any non-vehicle accident which results in:

1. a fatality;
2. any accident which results in One Thousand Dollars (\$1,000.00) or more of property damage, or
3. Any accident which results in an employee seeking medical attention away from the workplace.

b. "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

- c. "Alcohol concentration (or content)" means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by dental breath testing device.
 - d. "Alcohol use" means the consumption of any beverage mixture or preparation.
 - e. "Confirmation alcohol test" means a second test, following a screening test with a result of 0.02 or greater, which provides quantitative data of alcohol concentration.
 - f. "Confirmation drug test" means a second analytical procedure on the original sample to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test.
 - g. "Drug test" means analysis of a urine sample for the presence of illegally used drugs or their metabolites.
 - h. "Employee" as referred to in this Policy applies to all employees in the service of the County for compensation. All County employees who have access to or who operate a County vehicle will be subject to random drug testing. All County employees are subject to pre-employment, reasonable suspicion, post-accident, return-to-duty and rehabilitation testing conducted pursuant to such law and regulations and this Policy. In addition, any County employee who possesses a Commercial Driver's License (CDL) as a condition of employment and who operates a vehicle pursuant to Federal law and regulations in 49 Code of Federal Regulations, Part 383, will be subject to the County's policy for CDL drivers.
- Employee does not mean a temporary worker.
- i. "Controlled substance (drug)" means a substance included in Schedules I to V, as defined by Section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under Chapter 13 of the Title. The term "drug" does not mean the use of a controlled substance pursuant to a valid prescription or other use authorized by law.

- j. "Medical review officer" means the individual responsible for receiving laboratory results generated from the County drug testing program who is a licensed physician with knowledge of substance abuse disorders.
- k. "Prospective employee" means any person who has made application for employment with the County. Applicants who are offered a position with the County are subject to pre-employment controlled substance testing as a condition of employment.
- l. "Random testing" means the unannounced selection for testing based solely and exclusively on the employee's job description or work responsibilities. Random testing will be done only pursuant to the provisions of this Policy.
- m. "Temporary workers" are those hired for 90 days or less
- n. "Safety sensitive" means any employee who has access to or who is authorized to drive a County vehicle. An employee shall be considered to be performing safety-sensitive functions whenever:
- i. He/she begins work and until the time he/she is relieved from work, including anytime that he/she is available to drive a County vehicle.
 - ii. Inspecting or servicing a County vehicle.
 - iii. Driving or at the controls of a County vehicle.
 - iv. Resting in a County vehicle.

- v. Loading or unloading a County vehicle.
 - vi. Performing those duties required of a driver involved in a vehicle accident.
 - vii. Repairing or attending to a disabled County vehicle.
- o. "Screening drug test" means an immunoassay screen to eliminate "negative" urine specimens for further analysis.
- p. "Substance abuse professional" means a licensed employee assistance counselor or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.
- q. "Verified negative drug test" means a drug test result that was negative on an initial FDA-approved immunoassay test.
- r. "Verified positive drug test" means a test result that was positive on an initial FDA-approved immunoassay test confirmed by gas chromatography/mass spectroscopy assay and reviewed and verified by the medical review officer.
- s. "Volunteer" means any person who donates services as authorized by Duchesne County without pay or other compensation except expenses actually and reasonably incurred.

3. General Employee Provisions.

- a. Prohibited and Required Conduct.

i. The unlawful manufacture, distribution, possession, or use of a controlled substance and/or alcohol by an employee on County premises, in county vehicles, or while conducting County business off County premises is prohibited.

Use includes the presence of prohibited drugs and/or other metabolites in the employee's system.

Violation of this Policy will result in disciplinary action, up to and including termination.

ii. Refusal to submit to a supervisor's request for a drug and/or alcohol test pursuant to this Policy is prohibited. *The following examples constitute a refusal to be tested for alcohol and/or controlled substances:*

1. Alcohol testing, refusal by an employee to:
 - a. Sign the breath alcohol form.
 - b. Provide a breath sample without a valid medical reason.
 - c. Cooperate with the testing process in a way that prevents the completion of the test.
2. Controlled Substance (Drug) refusal by an employee to:
 - a. Provide a urine sample.
 - b. Provide an adequate urine sample without a valid medical reason.

c. Cooperate with the testing process in a way that prevents the completion of the test.

3. Adulterating a test sample in such a manner as to preclude an accurate test result is prohibited.

4. Employees must, as a condition of employment, abide by the terms of this Policy and report any conviction under a criminal drug or alcohol statute for violations occurring on County premises, in County vehicles, or while conducting County business off premises.

5. Any employee who is prescribed a drug where the prescribing physician or pharmacist indicates that the use may impair the employee's ability to operate equipment or function in a safety-sensitive role will be required to report such use to their supervisor.

b. Affected Personnel.

i. All full-time and part-time employees of Duchesne County are subject to this Policy. Elected officials and volunteers are subject to exceptions as set forth herein.

c. Consequences of Policy Violation.

i. Employees: Upon receipt of a verification of a violation of this policy, or a confirmed positive drug or alcohol test result which indicates a violation of this policy or upon the refusal of an employee or prospective employee to provide a sample, the County may use that test result or refusal as the basis for disciplinary actions, which include the following:

1. The prospective employee will not be hired

2. The temporary workers will be terminated immediately;
3. The employee will be suspended without pay and benefits for a 14 day period, pending further investigation;
4. Based on the information found during the investigation an employee may be returned to work with back pay and benefits reinstated **or** the employee will be terminated;
5. Any employee who adulterates a test shall be terminated immediately.
 - ii. Volunteers: Shall be suspended immediately and not eligible to participate in voluntary activities for Duchesne County.
 - iii. Elected Officials: Consequences of policy violations are subject to statutory provisions of the Utah Code.
 - iv. No employee or volunteer shall perform safety-sensitive functions, including driving a County vehicle, if the employee has engaged in conduct prohibited by this Policy in relation to drug or alcohol use.
 - v. No employee or volunteer tested under this policy who is found to have an alcohol concentration of 0.02 or greater shall perform or continue to perform safety-sensitive duties under the conditions of this Policy. An alcohol concentration of 0.02 or greater will constitute a violation of this Policy.

4. Bases for Drug Tests.

- a. All employees are subject to the following testing. Volunteers and exempt personnel as

provided below will not be subject to random drug testing.

i. Pre-Employment Testing. Prior to actual hiring, a prospective employee must pass a pre-employment drug test.

ii. Reasonable Suspicion Testing. An employee must submit to a drug and/or alcohol test when there is reasonable suspicion to believe that the employee has violated this Policy. The determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee.

iii. Post-Accident Testing. As soon as possible (not to exceed 24 hours) following an accident resulting in a fatality, damage to County property greater than One Thousand Dollars (\$1,000.00) or an employee seeking medical attention away from the work site.

iv. Random Drug Testing. All employees are subject to random drug testing.

b. All volunteers are subject to the following testing.

i. Reasonable Suspicion Testing. A volunteer must submit to a drug and/or alcohol test when there is reasonable suspicion to believe that the volunteer has violated this Policy. The determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.

ii. Post-Accident Testing. As soon as possible (not to exceed 24 hours) following an accident resulting in a fatality, damage to County property greater than One Thousand Dollars (\$1,000.00) or an employee seeking medical attention away from the work

site.

c. Elected Officials are subject to the following testing.

i. Reasonable Suspicion Testing. An elected official must submit to a drug and/or alcohol test when there is reasonable suspicion to believe that the official has violated this Policy. The determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.

ii. Post-Accident Testing. As soon as possible (not to exceed 24 hours) following an accident resulting in a fatality, damage to County property greater than One Thousand Dollars (\$1,000.00) or an employee seeking medical attention away from the work site.

Equal Employment Opportunity Policy

It is the policy of Duchesne County to comply with the guidance set forth in Title VII of the Civil Rights Act of 1964 according to Public Law 92-261 approved March 24, 1972.

Duchesne County will provide fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religion, sex, national origin, age or handicap and with proper regard for their privacy of constitutional rights as citizens. No class of jobs will be closed to any individual because of the above-referenced criteria.

Personnel will be compensated on the basis of equal pay for equal work. No individual will receive reduced compensation for equal work on the basis of race, color, religion, sex, or national origin.

Anti-Harassment Policy

Based on Title VII of the Civil Rights Act of 1964

I. It is the policy of Duchesne County that harassment based on sex, race, color, religion, national origin, age, disability or protected activity, by or against county employees and/or elected officials shall not be tolerated. Any department head, supervisor, or employee of Duchesne County who engages in harassment shall be subject to disciplinary action up to and including termination. If
, in the case of an elected official who engages in harassment, they shall be subject to the statutory provisions of the Utah Code. (UAC 17-16-10.5 and UAC 77-6-1).

II. Harassment is defined as conduct, which has the purpose of unreasonably interfering with an individual's work performance or unreasonably causing a hostile work environment.

III. Employee(s) claiming to be victims of harassment shall file complaints of alleged harassment within 5 (five) working days as follows:

a. Employees shall file complaints of alleged harassment with any of the following:

i. Any supervisor in the employee's chain of command,

ii. The county personnel director,

iii. Any county commissioner,

iv. The county attorney's office.

- b. Employees may bring good faith complaints without any fear of reprisal, intimidation, coercion or retaliation. Confidentiality will, to the extent practical under the law and under the necessities of disciplinary action, be protected.
- c. An initial complaint need not be in writing. However, the person receiving the complaint shall make a written record of the alleged harassment on the prescribed form.
- d. Anyone receiving a complaint of alleged harassment shall immediately inform the county commission, the personnel director, department head and/or elected official within whose office the report arises. The supervisor, department head or elected official shall immediately take action to prevent future occurrences of harassment and notify the personnel director so an investigation may be initiated. If the alleged harasser is the department head or elected official, the person receiving the report shall immediately inform a county commissioner. The county commission shall then implement an investigation of the department head or elected official.
- Care shall be taken during the investigation to protect the rights of both the person complaining and the person accused.
- e. The investigation shall be initiated within 5 (five) working days of the initial receipt of the claim, and a decision as to the validity of the claim and any necessary remedial action to be taken shall be made within ten (10) working days from the initiation of the investigation. The time limits specified above may be extended to a definite date by mutual agreement of the employees involved and the investigator.
- f. If an investigation determines that harassment has occurred, appropriate disciplinary action shall be taken against the perpetrator. (Section 14, Policy and Procedure Manual)
- g. Those persons investigating complaints of harassment shall prepare a brief report including findings of fact, recommendation and suggested disciplinary action to be taken, if any, and forward it to the county commission and/or attorney's office. The county commission and/or attorney shall impose disciplinary action proportional to the seriousness of the offense.

h. Wholly unsupported claims regarding harassment may subject the accuser to disciplinary action.

IV. An employee may also file charges with the Utah Labor Commission or the Equal Employment Opportunity Commission.

a. Utah Labor Commission - A request for agency action must be filed within 180 days after the alleged discriminatory or prohibited employment practice occurred.

b. Equal Employment Opportunity Commission (EEOC) - In states or localities where there is an anti-discrimination law and agency authorized to grant or seek relief, a charge must be presented to that state or local agency. Furthermore, in such jurisdictions, you may file charges with EEOC within 300 days of the alleged discriminatory act, or 30 days after receiving notice that the state or local agency has terminated its processing of the charge, whichever is earlier.

Anti-Nepotism Policy

It shall be the policy of Duchesne County to comply with the Anti-Nepotism clause as stated in Title 52, Chapter 3, and including the exceptions pertaining to towns and rural areas set forth in Section 52-3-4, Utah Code Ann. (1996).

Appointing authority may be defined as follows: County Commission, other elected officials, and Department Heads.